

IN THE US PATENT AND TRADEMARK OFFICE

Application Number: 10/698,988
Attorney Docket Number NSL-014
Filing Date: October 31, 2003
Applicant: Brian M. Sager et al.
Application Title: INORGANIC/ORGANIC HYBRID NANOLAMINATE
BARRIER FILM
Examiner: Marc A. Patterson
Art Unit: 1772

INTERVIEW SUMMARY

Commissioner of Patents and Trademarks
Alexandria, VA 22313

Sir:

In response to the Examiner Interview of July 22, 2008 please consider and enter the following remarks:

AN INTERVIEW SUMMARY begins on page 2.

INTERVIEW SUMMARY

37 CFR 1.133(b)

Applicant thanks the Examiner for the courteous interview of July 22, 2008 with Inventor Brian M. Sager and Attorneys Joshua D. Isenberg and Hao Y. Tung. The rejections based on the cited references to Brinker (US Patent 6,264,741) and Dams (European Patent 1225188) were discussed in light of the rule 1.132 Affidavit by Stanford University Materials Science Professor Michael McGehee that was submitted on February 22, 2008 (“McGehee Affidavit”). Specifically, Applicant kindly requested at the start of the interview for the Examiner to clarify the Examiner’s position on the McGehee Affidavit, as Applicant could not find where the pending Office Action indicated whether the McGehee Affidavit had been considered, and if considered, what support the Examiner relied on to rebut the position set forth in the McGehee Affidavit.

As background, the Examiner’s position in the Office Action was that the fluoroalkylsilane monomer taught by the Dams reference could be substituted for other monomers in the self assembly process taught by Brinker. The Applicant’s position is that introduction of a superhydrophobic material into a self assembly process was unobvious since it would disrupt the balance of hydrophobic and hydrophilic materials necessary for micelle formation, as set forth in the McGehee Affidavit. The Applicants position is also that the McGehee Affidavit shows (1) that formation of the claimed nanolaminate barrier film by self assembly is a surprising result since it would not be expected to work with a superhydrophobic material; (2) that use of a superhydrophobic material in a self assembly process the is contrary to accepted wisdom in the art; and (3) there was no reasonable expectation of success in forming a nanolaminate barrier film by using a superhydrophobic material in a self assembly process.

The Examiner argued that there was an apparent contradiction between the broad teachings of Brinker and the McGehee Affidavit since Brinker teaches micelle formation and self assembly using hydrophobic (but not superhydrophobic) materials and the McGehee Affidavit suggests that self assembly will not work if superhydrophobic materials are used. It is the Applicant’s position that there is no contradiction if it is understood that “hydrophobic” and “superhydrophobic” are not synonymous.

The Examiner indicated that he would consult with colleagues regarding the proper consideration of the McGehee Affidavit and conduct a subsequent telephone interview. The

Examiner, Inventor and Attorneys agreed to tentatively schedule an interview for Friday, July 25, 2008 at 1:00 P.M. Eastern (10:00 A.M. Pacific). Agreement with respect to the claims was tabled, pending the outcome of this follow-on interview.

CONCLUSION

For the reasons set forth above, the Applicant submits that all claims are allowable over the cited art and define an invention suitable for patent protection. The Applicant therefore respectfully requests that the Examiner enter the amendment, reconsider the application, and issue a Notice of Allowance in the next Office Action.

Respectfully submitted,

/Joshua D. Isenberg 41088/

Joshua D. Isenberg
Reg. No. 41,088
Patent Attorney

JDI PATENT
809 Corporate Way
Fremont, CA 94539
tel.: (510) 668-0965
fax.: (510) 668-0239